

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MARK NORMAN CLEARY,

Plaintiff,

Case No. 06-15505

v.

Honorable Patrick J. Duggan

COUNTY OF MACOMB and WARREN
LAMB,

Defendant,

_____ /

OPINION AND ORDER

At a session of said Court, held in the U.S.
District Courthouse, Eastern District
of Michigan, on March 17, 2009.

PRESENT: THE HONORABLE PATRICK J. DUGGAN
U.S. DISTRICT COURT JUDGE

On December 7, 2008, Plaintiff filed an “Ex Parte Application for Order to Show Cause Re Contempt” seeking entry of an “Order to Show Cause compelling Jan Williams and the [DHS] to appear in this Court and show what cause they have, if any, why they should not be held in contempt for failing to comply with a subpoena duly served on November 15, 2007 on Ms. Jan Williams, and subsequent Court Orders, in the matter captioned above.” (Application at 1-2.) This Court referred the matter to Magistrate Judge Paul J. Komives for a report and recommendation.

On January 20, 2009, Magistrate Judge Komives filed his Report and Recommendation

(R&R) recommending that this Court deny Plaintiff's application to the extent that it requests entry of a show cause order and to the extent that it requests that Jan Williams and DHS be held in contempt. At the conclusion of the R&R, Magistrate Judge Komives advises the parties that they may object to and seek review of the R&R within ten days of service upon them. (R&R at 14.) He further specifically advises the parties that failure to file specific objections constitutes a waiver of any further right of appeal. (*Id.*) Neither party filed objections to the R&R.

The Court has carefully reviewed the R&R and concurs with the conclusions reached by Magistrate Judge Komives.

Accordingly,

IT IS ORDERED that Plaintiff's ex parte motion is **DENIED**.

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

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